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DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/703,828

Applicant(s)

KURZWEIL ET AL.

Examiner

Blaine Basom

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Regarding claim 1, the Applicants argue that the Zasa reference described in the previous Office Action fails to disclose an “author analysis model,” like that of the present application. The Examiner respectfully disagrees with this argument. As shown in the previous Office Action, and again below, Zasa presents the “Angelic Beat Haiku Machine,” which is a software program implemented on a computer to generate haikus. As taught by Zasa, this Angelic Beat Haiku Machine is associated with a “universe of words” that the computer draws from to fill in templates, and thus create original haikus. The templates and universe of words are skewed such that the resulting haikus resemble those of Jack Kerouac and other Beat Poets, as is further taught by Zasa. It is thus understood that an analysis of the writing style of Jack Kerouac and the other Beat Poets is necessitated to populate the universe of words and create the templates, so that the templates and universe of words are skewed such that the resulting haikus resemble those of Jack Kerouac and other Beat Poets. Consequently, as is concluded in the previous Office Action, the templates and universe of words disclosed by Zasa are believed to constitute an author analysis model like that of the present application; the templates and universe of words are derived from an analysis of Beat poem authors, and provide a pattern to generate the haikus of the Angelic Beat Haiku Machine. Regarding this interpretation of Zasa, which was presented in the previous Office Action, the Applicants contest that Zasa does not disclose such a universe of words and templates. Again, the Examiner respectfully disagrees with the Applicants. Zasa explicitly states,

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*My role was to provide raw materials that I felt might produce interesting results. So I built the **templates**, which were more complicated to design than you might think, and mindfully populated (and weighted) the **universe of words** that the computer draws from.*

I chose the “Beat” theme because I thought the results might resemble Jack Kerouac’s formulation for the American Haiku: don’t count syllables, just write a short, vivid, three-line poem (also, building a generator that made strict 17-syllable haiku would have been considerably more difficult.) I tried to skew the database to give the haiku a “Beat” flavor by stressing the words that the Beat Poets favored – night, road, angel, eternity, tea, etc. (Emphasis added).

Thus Zasa indeed discloses templates, whereby it is understood that words from a universe of words are input into these templates to generate haikus.

Further regarding claim 1, the Applicants argue that neither Zasa nor Gavron disclose the use of a “seed word,” like that recited in the claim, whereby such a seed word is randomly selected from the author analysis model and a poem following the seed word is completed. The Examiner respectfully disagrees with this argument. As described in the previous Office Action, and subsequently below, Zasa suggests that the Angelic Beat Haiku Machine generates haikus by randomly selecting words from the above-described universe of words, whereby these selected words are placed into a template. The first randomly selected word placed into the template is considered a seed word, as was expressed by the Examiner in the previous Office Action. Such a word, being the first word placed in the template, serves as a source of development for the haiku; the haiku “grows” from this seed word as other words are selected from the universe of words and placed in the template. The Examiner thus maintains the interpretation that the first randomly selected word placed into the template is a seed word, given the broadest, most reasonable interpretation of a seed word. Since other words are randomly selected and placed into the template after this first randomly selected word, a poem is completed following the first word. Consequently, Zasa indeed describes a seed word, like that of the present application,

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whereby such a seed word is randomly selected and a poem is completed following the seed word.

Regarding the references in general, the Applicants submit that one skilled in the art would not be able to construct the Angelic Beat Haiku Machine given Zasa's "mere two sentences," and therefore, the combination of Zasa and Gavron described in the previous Office Action, is non-enabling. While the Examiner agrees with the Applicant that Zasa's disclosure is short, although more than two sentences, the Examiner understands that brevity is not necessarily a grounds for non-enablement. Thus the Examiner respectfully disagrees with the Applicants' argument, and contends that the Zasa reference is enabling. For example, Zasa discloses the use of templates, as is described above. Templates are well-known in the art, in applications such as word processing. Accordingly, although Zasa does not fully define such templates, it is understood that one of ordinary skill in the art would know how to create and use templates, the templates being used within the context of a haiku generator. The Examiner consequently feels that the Zasa reference is enabling, given one of ordinary skill in the art's knowledge and experience.

Lastly, the Applicants note that the previous Office Action fails to provide a clear motivation for combining the features of Zasa with those of Gavron. The Examiner respectfully disagrees with this argument. In the previous Office action, and also below, the Examiner explicitly states that it would have been obvious to modify The Angelic Beat Haiku Machine of Zasa such that is implemented as a screen saver, like those taught by Gavron, "because the resulting screen saver would provide something interesting an fun to look at while the computer is not in use." Thus the previous Office Action provides a clear motivation for combining the

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features of Zasa with those of Gavron. As a further motivation, it is noted that Gavron presents a multitude of screen savers, from those that generate and display graphic images to those that display text. Gavron therefore teaches that there is no established screen saver implementation; screen savers can display a wide variety of text and images, as long as they provide something fun and interesting at which to look. The haikus resulting from The Angelic Beat Haiku Machine of Zasa satisfy this requirement. Consequently, it would also have been obvious to modify the screen savers of Gavron, with the teachings of Zasa, such that they display haikus generated from an Angelic Beat Haiku Machine, because such haikus are original and therefore interesting, as is demonstrated by Zasa. Lastly, it is noted that at the time the invention was made, screen savers that displayed poetry were in fact commercially available.¹ Consequently, for commercial reasons, it would have been obvious to modify The Angelic Beat Haiku Machine of Zasa such that is implemented as a screen saver.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-15, 17-23, 25-30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over "The Angelic Beat Haiku Machine," as taught by Jay Zasa, and also over the Microsoft Windows NT 4.0 Operating System, as taught by Jacquelyn Gavron and Joseph Moran in the book entitled "How to Use Microsoft Windows NT Workstation" (which is hereafter

¹ See the included reference describing the "Electromagnetic Poetry Kit."

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referred to as “Gavron”). With respect to claim 1, Zasa presents “The Angelic Beat Haiku Machine” which is a software program that generates original haikus. According to Zasa,

My role was to provide raw materials that I felt might produce interesting results. So I built the templates, which were more complicated to design than you might think, and mindfully populated (and weighted) the universe of words that the computer draws from.

I chose the “Beat” theme because I thought the results might resemble Jack Kerouac’s formulation for the American Haiku: don’t count syllables, just write a short, vivid, three-line poem (also, building a generator that made strict 17-syllable haiku would have been considerably more difficult.) I tried to skew the database to give the haiku a “Beat” flavor by stressing the words that the Beat Poets favored – night, road, angel, eternity, tea, etc.

Thus Zasa describes templates, whereby it is interpreted that words from a “universe of words” are input into these templates to generate haikus. The templates and the universe of words are skewed such that the resulting haikus resemble the poems of Jack Kerouac and other Beat Poets. Consequently, it is understood that when “The Angelic Beat Haiku Machine” is loaded to be executed, an author analysis model is also loaded, wherein this author analysis model comprises this universe of words and these templates, which are created from an analysis of Beat poem authors, and which provide resulting haikus that have a “Beat flavor.” Further regarding claim 1, Zasa states,

There are other haiku generators out there, but they usually just pump out some poetry at random and then stop. What makes this one different is the fact that you can regenerate each line as many times as you want and then you decide when it is finished, so your own personal artistic judgment comes into play.

Therefore “The Angelic Beat Haiku Machine” of Zasa creates poetry at random, but unlike other haiku generators, “The Angelic Beat Haiku Machine” allows a user to regenerate each line as many times as he or she desires. Since the haikus are created from templates, whereby it is interpreted that words from a universe of words are input into these templates, it is understood that randomly creating such haikus implies randomly selecting words from the universe of words

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and then inputting these randomly selected words into the templates. The first word in a haiku created by "The Angelic Beat Haiku Machine" is considered a seed word. Zasa therefore teaches randomly selecting a seed word from the universe of words, which as described above is considered part of an author analysis model, and then completing a poem following the seed word by randomly selecting the words following the seed word. Zasa however does not explicitly teach displaying this poem, as a screen saver, on an output device, as is recited in claim 1.

According to Gavron, Windows NT 4.0 offers a number of screen savers for a user, wherein these screen savers are displayed on the user's computer monitor (see page 130). Gavron also states that "screen savers are used primarily to give us (and passersby) something interesting and fun to look at while the computer is not in use" (see page 130).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Zasa and Gavron before him at the time the invention was made, to modify "The Angelic Beat Haiku Machine" taught by Zasa, such that it is implemented as a screen saver, like those taught by Gavron. "The Angelic Beat Haiku Machine" would consequently display a poem, as a screen saver, on a computer monitor. It would have been advantageous to one of ordinary skill to utilize such a combination because the resulting screen saver would provide something interesting and fun to look at while the computer is not in use, as is taught by Gavron.

Referring to claim 2, "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, displays a poem as a screen saver on a computer monitor, i.e. display device, as is shown above.

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With respect to claim 3, it is understood that "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, is implemented on a computer. Consequently, it is understood that such a computer has a central processing unit, a random access memory, a computer readable medium, and a display unit, as is known in the art. It is further understood that "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, would reside on the computer readable medium and be executed by the central processor, as is known in the art. As shown above, this "Angelic Beat Haiku Machine" automatically composes text from a seed word, in the form of a poem, which appears on the display unit during screen saver mode. Consequently "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, is considered a computer program product, and the computer implementing this "Angelic Beat Haiku Machine" is considered an automatic composition system like that of claim 3.

Regarding claim 11, "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, presents the idea for automatically composing text, which appears as a poem on a display unit of a system during a screen saver mode entered into by the system, as is shown above in the rejection for claim 1.

As per claims 23 and 27, "The Angelic Beat Haiku Machine" disclosed by Zasa is a computer program that composes poetry. Consequently, "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron as described above in the rejection for claims 1 and 3, is considered equivalent to the computer program product recited in claims 23 and 27.

In reference to claim 4, “The Angelic Beat Haiku Machine” of Zasa, as modified by the teachings of Gavron, automatically composes text, in the form of a poem, which appears on the display unit during screen saver mode, as is shown above.

As per claims 6, 17, and 25, Gavron discloses that Windows NT 4.0 includes a “display icon,” which when selected, results in the display of a “Display Properties” interface, i.e. window (see “step 2” on page 131). This window includes a “Screen Saver” tab, which when selected opens a dialogue box having an option to provide basic screen saver options, such as the length of time to wait before initiating screen saver mode (see “step 5” on page 131). Consequently, the combination of Zasa and Gavron, as described above, teaches selecting an interface that includes a screen saver interface option to open a dialogue box having an option to provide basic screen saver options including at least one of length of time to wait before initiating screen saver mode and, which corner of the screen moving a pointer device to point will initiate screen saver mode.

Referring to claims 7, 8, 9, 12, 18, 22, 26, and 32, “The Angelic Beat Haiku Machine” of Zasa composes haikus that resemble poems from Jack Kerouac and other Beat Poets by following the structure of the Beat Poets’ haikus – by not counting syllables, and by stressing words that these Beat Poets favored, as shown above. Consequently, it is understood that one of ordinary skill in the art may apply these teachings to other forms of poetry, or even a specific poet personality, by using the structure and the words of the poems of the specific poet personality. As Windows NT 4.0 includes a screen saver interface option which provides a plurality of screen savers for users to chose from (see “step 3” on page 131 of Gavron), it is understood that the “The Angelic Beat Haiku Machine” of Zasa, as modified by the teachings of

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Gavron, may include screen savers from a plurality of poet personalities, and would therefore include a screen saver interface option to select from these poet personalities to generate the poems for the screen savers. Regarding claims 8 and 9, "The Angelic Beat Haiku Machine" of Zasa, uses the words from a plurality of Beat Poets to create a haiku that resembles those of the Beat Poets, as is shown above. Zasa also discloses that the universe of words from which "The Angelic Beat Haiku Machine" draws is weighted, supposedly to give priority to these Beat Poets' words over more common words, which results in the haikus having a "Beat flavor," as is shown above. Consequently, it is understood that one of ordinary skill in the art may apply these teachings to provide weights which give one Beat Poet's words priority over another Beat Poet's words, in fact prioritizing the plurality of Beat Poets, such that the resulting haiku more resembles a haiku of a Beat Poet having a higher priority than that having a lower priority. As Windows NT 4.0 includes a screen saver interface option which provides a plurality of basic screen saver options for users to chose from (see "step 3" on page 131 of Gavron), it is understood that "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, may include a screen saver interface option to open a dialogue box to activate a selected order of priority of using the poet personalities to generate the haikus, or wherein this order may also be a random or a user-specified sequence.

Regarding claim 10, Gavron discloses that Windows NT 4.0 includes a "Marquee Display" screen saver which, like "The Angelic Beat Haiku Machine" of Zasa, composes text on the computer screen (see "steps 3 and 4" on page 131). Moreover, Gavron discloses that Windows NT 4.0 includes a screen saver interface option to set the style of presentation of this text, wherein this style option involves background color, font color and size, scrolling

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characteristics, and save options (see the "Marquee Setup" window above "step 4" on page 131). As Windows NT 4.0 includes a screen saver interface option which provides a plurality of screen savers for users to chose from (see "step 3" on page 131 of Gavron). Consequently, it is understood that the "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, may include a screen saver interface option to set styles of presentation of the poems including at least one of background color, font color, font size, scrolling characteristics, and save options.

In reference to claims 13, 19, and 28, the universe of words disclosed by Zasa is "mindfully populated" and weighted so that the haikus composed by "The Angelic Beat Haiku Machine" resemble those of Beat Poets, as is shown above. For example, Zasa states that the words that the Beat Poets favored are stressed, such as night, road, angel, eternity, and tea. Thus it is understood that an analysis of one or more pre-existing compositions, i.e. poems, from these Beat Poets is necessitated in order to learn these favored words and populate the universe of words. The universe of words is considered a data structure. As is well known in the art, such a structure is generally linked in order to facilitate traversal of the structure. Thus the combination of Zasa and Gavron, as described above, teaches analyzing at least on pre-existing composition to generate linked data structures. As is also shown above, a new haiku is generated from the universe of words by randomly selecting a seed word, along with the words that follow it, from the structure and placing the words in a template. The universe of words, being linked, facilitates this task. Consequently, the combination of Zasa and Gavron, as described above, also teaches generating a new composition from the data structures, i.e. universe of words, by using

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the data structures to locate a word in the linked data structure and determine words that follow it in the linked structure.

With reference to claims 14, 20, and 29, the universe of words disclosed by Zasa is “mindfully populated” and weighted so that the haikus composed by “The Angelic Beat Haiku Machine” resemble those of Beat Poets, as is shown above. For example, Zasa states that the words that the Beat Poets favored are stressed, such as night, road, angel, eternity, and tea. It is understood that one of ordinary skill in the art may extend these teachings such that the universe of words not only includes words that the Beat Poets favored, but also various phrases, or common permutations of phrases, that the Beat Poets favored. Consequently, the universe of words, which is a linked data structure as shown above, may include 1-grams, bigrams, trigrams, and quadrigrams.

Regarding claims 15, 21, and 30, Zasa discloses that a new haiku is generated from the universe of words by randomly selecting a seed word, along with the words that follow it, from the structure and placing the words in a template, as is shown above. The universe of words disclosed by Zasa is weighted so that the haikus composed by “The Angelic Beat Haiku Machine” resemble those of Beat Poets, as is also shown above. As described above, the universe of words is considered a data structure. Because “The Angelic Beat Haiku Machine” generates *original* haikus, it is understood that the weights are arranged such that while automatically composing words of a haiku, these weights in the universe of words are examined to avoid counts of words in the data structure that would tend to repeat the same words from any pre-existing compositions given a start word in the composition to avoid plagiarism.

Claims 5, 16, 24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Zasa and Gavron, which is described above, and also over U.S. Patent No. 6,091,411, which is attributed to Straub et al. (and hereafter referred to as "Straub"). As shown above, the combination of Zasa and Gavron presents a method and program product, like that of claims 1, 11, 23, and 27, for generating a computer-implemented poetry screen saver. In particular, this combination also teaches selecting an interface option that includes a screen saver interface option to open a dialogue box having an option to provide basic screen saver options, as is shown above in the rejection for claim 6. However, this combination of Zasa and Gavron does not disclose that these basic screen saver options include a link to a dialogue box having information on upgrading. In other words, the combination of Zasa and Gavron does not explicitly teach the idea, which is expressed in each of claims 5, 16, 24, and 31, for selecting an interface option that includes a screen saver interface option to open a dialogue box having an option to provide a link to a dialogue box having information on upgrading.

Straub describes "themed enhancements" that alter the appearance and feel of an operating system graphical user interface by providing a group of resources, including a screen saver, that relate to a specific theme (see column 2, lines 40-55). Moreover, Straub teaches that such resources, including the screen saver, may be updated (see column 3, lines 49-52). Straub particularly states that "because the themed enhancements are recurrently updated, the themed enhancements are more likely to retain the user's interest, as well as the timeliness of their information content" (see column 3, line 67- column 4, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Zasa, Gavron, and Straub before him at the time the invention was made, to modify

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the method taught by the combination of Zasa and Gavron, such that the screen savers created by "The Angelic Beat Haiku Machine" of Zasa and Gavron may be updated, like those taught by Straub. In other words, it would have been obvious to modify the method taught by the Zasa and Gavron such that the basic screen saver options include a link to a dialogue box having information on upgrading, the basic screen saver options provided via the interface option that includes a screen saver interface option to open a dialogue box having an option to provide the basic screen saver options. It would have been advantageous to one of ordinary skill to utilize such a combination because the updated screen savers would be more likely to retain the user's interest, as is taught by Straub.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to consider these references fully when responding to this action. The Yoshimi et al. and Masegi et al. U.S. Patent cited therein each disclose method for automatically generating text.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (703) 305-7694. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7238.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

btb



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173